

FOR PUBLICATION

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

NICK POURZAL,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1999-139
)	
PRIME HOSPITALITY CORP.,)	
)	
Defendant.)	
)	

ATTORNEYS:

A. Jeffrey Weiss, Esq.
St. Thomas, U.S.V.I.
For the Plaintiff.

Maria Tankenson Hodge, Esq.
St. Thomas, U.S.V.I.
For the Defendant.

James M. Wicks, Esq.
Uniondale, NY
For the Defendant.

Judgment

GÓMEZ, C. J.

Before the Court is the motion of the defendant Prime Hospitality Corporation ("Prime") to dismiss Count II and Count III of the Second Amended Complaint of the plaintiff Nick Pourzal. For the reasons stated in the accompanying memorandum of even date, it is hereby

ORDERED that the motion is **GRANTED** in part and **DENIED** in part; it is further

ORDERED that Prime's motion to dismiss Count II is **GRANTED**; and it is further

ORDERED that Prime's motion to dismiss that portion of Count III that seeks confirmation of the arbitration award is **DENIED**; and it is further

ORDERED that Prime's motion to dismiss that portion of Count III that requests relief in the form of damages is **GRANTED**.

Dated: October 30, 2006

_____/s/
CURTIS V. GÓMEZ
Chief Judge

ATTEST:

WILFREDO F. MORALES
Clerk of the Court

By: _____/s/
Deputy Clerk

Copy: Hon. Geoffrey W. Barnard
A. Jeffrey Weiss, Esq.
Maria T. Hodge, Esq.
James M. Wicks, Esq.
Carol C. Jackson
Lydia Trotman
Claudette Donovan
Olga Schneider
Bailey Figler